

Senate Bill No. 696

Passed the Senate August 30, 2006

Secretary of the Senate

Passed the Assembly August 17, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 60242 and 60422 of the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 696, Escutia. Instructional materials.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law requires the board to encumber the State Instructional Materials Fund for the purpose of establishing an allowance for each school district that the district may use for certain purposes relating to the acquisition of instructional materials, including purchasing materials adopted by the state board for kindergarten and grades 1 to 8, inclusive. Existing law requires the state board to specify the percentage of a district's allowance that is authorized to be used for each of the specified purposes.

This bill, notwithstanding the provisions of existing law specified above, would authorize a school district to expend for kindergarten and grades 1 to 8, inclusive, not more than 30% of the district's allowance to purchase standards-aligned instructional materials selected by the school district, upon compliance with certain requirements. The bill would also make a conforming change in a related provision of existing law.

The people of the State of California do enact as follows:

SECTION 1. Section 60242 of the Education Code is amended to read:

60242. (a) The state board shall encumber the fund for the purpose of establishing an allowance for each school district, which may reflect increases or decreases in enrollment, that the district may use for the following purposes:

(1) To purchase instructional materials adopted by the state board pursuant to Section 60200 for kindergarten and grades 1 to 8, inclusive, or by the governing board of the school district pursuant to Section 60400 for grades 9 to 12, inclusive. A school

district may purchase with funds received pursuant to Chapter 3.25 (commencing with Section 60420) instructional materials for the visual and performing arts, foreign language, health, or any other curricular area if those materials are adopted by the state board pursuant to Section 60200 for kindergarten and grades 1 to 8, inclusive, or by the governing board pursuant to Section 60400 for grades 9 to 12, inclusive, and if the school district certifies that it has provided each pupil with a standards-aligned textbook or basic instructional materials in reading/language arts, mathematics, history/social science, and science.

(2) To purchase, at the district's discretion, instructional materials, including, but not limited to, supplementary instructional materials and technology-based materials, from any source.

(3) To purchase tests.

(4) To bind basic textbooks that are otherwise usable and are on the most recent list of basic instructional materials adopted by the state board and made available pursuant to Section 60200.

(5) To fund in-service training related to instructional materials.

(6) To purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.

(b) (1) Except as provided under paragraph (2), the state board shall specify the percentage of a district's allowance that is authorized to be used for each of the purposes identified in subdivision (a).

(2) Notwithstanding Section 60200, for kindergarten and grades 1 to 8, inclusive, a school district may expend not more than 30 percent of the district's allowance to purchase instructional materials selected by the school district, if both of the following apply:

(A) The instructional materials are aligned to standards adopted under Section 60605.

(B) The school district certifies in writing to the Superintendent that the instructional materials are aligned to standards adopted under Section 60605 and comply with Article 3 (commencing with Section 60600) and Section 60226.

(c) Allowances established for school districts pursuant to this section shall be apportioned in September of each fiscal year.

(d) (1) A school district that purchases classroom library materials, shall, as a condition of receiving funding pursuant to this article, develop a districtwide classroom library plan for kindergarten and grades 1 to 4, inclusive, and shall receive certification of the plan from the governing board of the school district. A school district shall include in the plan a means of preventing loss, damage, or destruction of the materials.

(2) In developing the plan required by paragraph (1), a school district is encouraged to consult with school library media teachers and primary grade teachers and to consider selections included in the list of recommended books established pursuant to Section 19336. If a school library media teacher is not employed by the school district, the district is encouraged to consult with a school library media teacher employed by the local county office of education in developing the plan.

(3) To the extent that a school district or county office of education already has a plan meeting the criteria specified in paragraphs (1) and (2), no new plan is required to establish eligibility.

SEC. 2. Section 60422 of the Education Code is amended to read:

60422. (a) Except as authorized under paragraph (2) of subdivision (b) of Section 60242, a school district governing board shall use funding received pursuant to this chapter to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, as adopted by the state board subsequent to the adoption of content standards pursuant to Section 60605 for kindergarten and grades 1 to 8, inclusive, or as adopted by the local governing board pursuant to Sections 60400 and 60411, for grades 9 to 12, inclusive. Pupils shall be provided with standards-aligned textbooks or basic instructional materials by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the state board.

(b) Once a governing board certifies compliance with subdivision (a) with regard to standards-aligned instructional materials in the core curriculum areas of reading/language arts, mathematics, science, and history/social sciences, and if the governing board of a school district has met the eligibility requirements of Section 60119, the remaining funds may only be

used consistent with subdivision (a) of Section 60242 and pursuant to Section 60242.5.

(c) The state board may grant the school district additional time to meet the purchasing requirements of subdivision (a) if the governing board of the school district demonstrates, to the satisfaction of the state board, that all of the following criteria apply to the district:

(1) The school district has implemented a well-designed, standards-aligned basic instructional materials program.

(2) The school district, at the time of its request for additional time pursuant to this subdivision, has sufficient textbooks or basic instructional materials for use by each pupil.

(3) The school district has adopted a plan for the purchase of standards-aligned instructional materials in accordance with subdivision (a) but that plan indicated an alternative date for compliance that is declared in the request for additional time.

(d) The funds provided for the purchase of instructional materials in Schedules 1 and 2 of Item 6110-189-0001 and paragraph 6 of Item 6110-485 of Section 2.00 of the Budget Act of 2002 shall be used for the purposes of, and allocated consistent with, this chapter.

Approved _____, 2006

Governor